

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Hon. Phillip J. Green

v.

Case No. 1:17-mj-000370

Justin Owen Smith,

Defendant.

ORDER OF DETENTION

This matter is before the Court on the government's motion for pretrial detention. Defendant has been charged in a Criminal Complaint with conspiracy to distribute and to possess with intent to distribute 50 grams or more of methamphetamine, in violation of 21 U.S.C. §§ 846; 841(a)(1); and 841(b)(1)(A)(viii). Given the nature of the charge, there is a statutory rebuttable presumption in favor of detention.

The government sought defendant's detention on the basis that he is a danger to the community, 18 U.S.C. § 1342(f)(1), and that he poses a significant risk of flight, 18 U.S.C. § 3142(f)(2)(A). The Court conducted a hearing on December 13, 2017, at which defendant was represented by counsel.

Having considered the information presented at the hearing, the parties' oral submissions, and the information in the Pretrial Services Report, and for the reasons stated on the record, the Court finds that defendant has rebutted the presumption of

detention regarding risk of flight, but has not rebutted the presumption of detention as to danger to the community. The Court also finds, as explained on the record, that the government has sustained its burden of proving, by preponderant evidence, that defendant poses a significant risk of flight and, by clear and convincing evidence, that he poses a danger to the community. Further, the Court finds that there is no condition or combination of conditions of release that will ensure the safety of the community or the appearance of the defendant. Accordingly,

IT IS ORDERED that defendant is committed to the custody of the Attorney General pending trial.

DONE AND ORDERED on December 13, 2017.

/s/ Phillip J. Green
PHILLIP J. GREEN
United States Magistrate Judge